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REMARKS

In response to the Office Action mailed June 6, 2006, Applicants respectfully request the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 18-28 and 73-81 remain pending. Claim 73 has been amended.

In the changes made by the current amendment, ~~deletions are shown by strikethrough~~, and additions are underlined.

Claims 18-28 Are Allowable Over Sharkawy

Claims 18, 19, 22, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sharkawy and Claims 20-21, 23-24, and 26-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharkawy. Applicants respectfully submit that Claims 18-28 are allowable over Sharkawy and request reconsideration and allowance of the same.

The Examiner has taken the position that Claim 18 is anticipated by the Sharkawy reference. Applicants respectfully disagree. The Sharkawy reference does not disclose a catheter including, among other limitations, a support and a porous membrane wrapped around the support. Claims 19-28 depend directly or indirectly from Claim 18 and, thus, also include these limitations.

The Sharkawy reference discloses a dual tube catheter in which discrete exit holes are formed in the side wall of the outer tube of the catheter, preferably by laser drilling. *See* Column 3, lines 11-13. The Sharkawy reference does disclose that the exit holes can vary in number and position, but does not disclose or suggest replacing the outer tube having discrete exit holes with a porous membrane. Moreover, the reference clearly discloses that the overall exit flow area of the catheter increases toward the distal end of the catheter. *See* Column 1, lines 40-46. Thus, a porous membrane, which has a flow area defined by properties of the material, would not be capable of providing a deliberately increasing exit flow area when moving from a proximal end of the catheter to a distal end of the catheter.

For at least these reasons, Applicants submit that Claim 18 is allowable over the Sharkawy reference. Furthermore, dependent Claims 19-28, are also allowable, not only because

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they depend from allowable Claim 18, but on their own merit as well. Reconsideration of Claims 19-28 is respectfully requested.

Claims 73-81 Are In Condition For Allowance

Claims 73-81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sharkawy. Applicants respectfully submit that Claims 73-81 are allowable over Sharkawy and request reconsideration and allowance of the same.

The Examiner has taken the position that it would have been obvious to combine the embodiment of Figures 1-3 with the embodiment shown in Figure 4 of the Sharkawy reference in order to arrive at the catheter of Claim 73. The embodiment of Figures 1-3 is a catheter including separate inner and outer coaxial catheter tubes. Applicants submit that the Sharkawy reference discloses that two different types of materials may be used for the inner and outer tubes.

In the embodiment of Figure 4, the catheter also includes inner and outer coaxial catheter tubes. However, the tubes of the Figure 4 catheter are joined via several radial struts or walls. Importantly, the inner tube, outer tube and struts of the Figure 4 embodiment are disclosed as being a *unitary* structure. See Column 3, lines 55 and 56. Furthermore, Sharkawy does not disclose or suggest that the *unitary* inner tube, struts and outer tube are constructed from more than one material. Thus, the Sharkawy reference does not provide any suggestion to make the Examiner's proposed modification using incompatible features from the two distinct embodiments. Applicants submit that the only motivation for making the proposed modification clearly originates in the Applicants' own disclosure.

In order to expedite allowance of the present application, Claim 73 has been amended to further clarify a difference between the catheter of the Sharkawy reference and the catheter of Claim 73. Specifically, Claim 73 has been amended to recite, among other recitations, that an inner surface of the porous membrane is in contact with the outer edges of the ribs along a longitudinal length of the support. This further distinguishes the claimed invention from the Sharkawy reference because, as discussed before, the embodiment disclosed in Figure 4 of the Sharkawy reference clearly depicts and describes a unitary catheter that is formed of one piece and not two separate pieces.

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Claim 73 has been further amended to recite that the at least three lumens are closed at the end by an integral dome-shaped end portion. This, once again, distinguishes the claimed invention from the catheter of the Sharkawy reference, which includes an end cap that is a separate member from the inner and outer tubes of the catheter. See Column 2, lines 60-64.

For at least these reasons, Applicants submit that Claim 73 is now allowable over the Sharkawy reference and other prior art of record. Furthermore, dependent Claims 74-81 are also allowable not only because they depend from allowable Claim 73, but on their own merit as well.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Curtiss C. Dosier at (949) 721-7613 (direct line), to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: OCTOBER 6, 2006

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